

Position Paper: Leveraging Canada's Arms Trade to End the Violence in Gaza

Israel's devastating war on Gaza and the routine violence faced by Palestinians under military occupation have produced a catastrophic human toll, with UN experts warning of a "genocide in the making."¹ Canada cannot continue to export arms to Israel and maintain a close working relationship with the Israeli military so long as it is involved in egregious violations international humanitarian law. Canada must use its diplomatic and economic leverage vis-a-vis Israel's defense and security establishment to bring an immediate end to the violence.

1. Canada must immediately implement a two-way comprehensive military and security embargo with Israel, and ensure that Canadian weapons are not reaching Israel via the United States.

Canada previously imposed a two-way arms embargo on Israel in the late 1980s as a response to Israeli violence against Palestinians during the first intifada.² This embargo was removed in the mid-1990s as a condition of free trade negotiations, and as a "peace-dividend" to encourage Israel to engage in the Oslo process. However, rather than encourage peace, the resumption of arms sales has encouraged Israel to consolidate its control over the occupied Palestinian territories. Canada must once again leverage its arms trade to stop violence against Palestinians.

- A. Canada must ban future military export permits to Israel, and cancel existing permits. The value of Canada's arms trade with Israel has been accelerating in the last few years, and in 2022 was at the third-highest level on record.³ Canada transferred over \$20 million in arms to Israel in 2022, including explosives and aircraft components.⁴ Canada has a legal responsibility under the *Arms Trade Treaty (ATT)*, and its harmonized domestic legislation, to ensure its arms exports are not used in the commission of serious violations of international law, or serious violence against women and children. However, there is no indication that Canada is evaluating export permits to Israel based on this criteria, and Canada continues to transfer weapons in violation of the ATT.⁵
- B. Canada must ban imports of military goods from Israel, and implement procurement measures that ensure that Canada does not buy technology from companies profiting from the oppression of Palestinians. Canada imported over \$130 million in arms from Israel between 2018-2022, making Canada Israel's 6th largest arms customer.⁶ Canada must ensure our procurement of military and security technology screens out products that were "battle-tested" on Palestinians, including if it has been used within the occupied Palestinian territories. Canada should not be purchasing from an industry that is complicit in, and dependent on, Israel's ongoing military occupation and violations of international law.
- C. Canada should cancel existing contracts for products from Israel's largest weapons company, Elbit Systems, including its Canadian subsidiary GeoSpectrum Technologies Inc. Elbit provides 85% of the drones used by the Israeli military to monitor and attack Palestinians in Gaza and the occupied West Bank, and these have been implicated in killing civilians in every Israeli assault on Gaza since at least 2014.⁷ Existing contracts with Elbit Systems include but are not limited to:
 - i. In 2020, Canada awarded a \$36 million contract to Elbit for a Hermes 900 StarLiner drone, which will become part of the national aerial surveillance program. This is a "civilian" version of Elbit's lethal military drone the Hermes 900, and it is reportedly "suitable for military and commercial applications."⁸

- ii. In 2021, Canada awarded an \$8.6m contract to Elbit Systems for its Torch X "battle management" technology, which is marketed as "field-proven" and had been used in Gaza in 2021. This will be used to support Canada's "air missions" and "joint-task force operations."⁹
- iii. Elbit was awarded a recent contract (undisclosed amount) with Airbus Defense and Space to supply missile warning systems and countermeasures on Canada's military refueling aircraft.¹⁰

2. Canada must ensure full transparency on arms and security trade with Israel. Canada must investigate whether its military exports have been implicated in, or used to facilitate the commission of, war crimes by the Israeli military in Gaza or the West Bank. To achieve this, Canada must be fully transparent and subject its arms trade to public scrutiny by Parliament and independent investigators.

A. The Foreign Affairs Committee (FAAE) of Parliament must launch a study into whether Canadian arms and munitions have been used in the commission of breaches of international law within Israel and the occupied Palestinian territories. The FAAE has plans to study the Palestine-Israel conflict in 2024, and this should include an evaluation of Canada's arms and munitions-related export and import permits with Israel. This review must include whether our exports are complicit in Israel's current bombing campaign of Gaza.

- i. The FAAE and Global Affairs Canada recently reviewed export permits to Turkey,¹¹ and chose to suspend arms exports due to their involvement in Azerbaijan's attacks on Armenians in Nagorno-Karabakh. Israel's second-largest customer of arms is Azerbaijan. The same risk that applied to Turkey may apply in the case of Israel.
- ii. This review must include the F35 program, including all assemblies, systems, parts and components, due to the heightened risk that these could be used in Israel's aerial bombardment campaign. The review must include F-35 exports to the US as they could later be transferred to Israel. For example, Canadian aerospace company Magellan makes tail assemblies for the F35 that are then shipped to the US where they are assembled.¹² These parts could then be shipped to, or transferred as replacement parts, to Israel.

B. Canada must provide full public transparency and scrutiny on export permits of arms and munitions that transfer through the US to Israel. Canada has an integrated arms and munitions industry with the United States. However, there is a significant loophole in our human rights evaluations, as we do not review arms and munitions exports to the US, which could then be transferred to third parties such as Israel.¹³ Canada must end this loophole to ensure that military exports to the US are properly reported and assessed based on human rights implications.

3. Canada should suspend direct military cooperation with Israel and hold Israel accountable to international humanitarian law. To compel a permanent ceasefire from Israel, Canada ought to immediately suspend coordination and diplomatic ties with the Israeli military and security establishment while they are involved in a potentially genocidal campaign against Palestinians in Gaza. Canada currently considers Israel a strategic partner in the Middle East, and the two countries maintain a very close military relationship. This ongoing cooperation increases the risk of Canada's complicity in serious violations of international humanitarian law and other war crimes in Gaza.

A. Canada should suspend its alliance with Israel as detailed in the *Canada-Israel Strategic Partnership Memorandum of Understanding*¹⁴ as a way to demonstrate to Israel that Canada is committed to upholding international law and human rights. Canada should immediately

provide written notice to Israel that the MOU is suspended for their grave violations of international law in Gaza.

- a. This suspension would include an end to all:
 - i. Military and intelligence meetings and working groups;
 - ii. Military exchange program with Israel, and exchanges with the US forces deployed to support Israel;
 - iii. Joint training exercises;
 - iv. Intelligence sharing and coordination with Israeli intelligence agencies.

B. Canada should immediately expel the Israeli military attaché's office from Canada. This office is the hub of direct military diplomacy and coordination between Canada and Israel. In particular, the military attaché has a role of promoting the Israeli arms industry in Canada.¹⁵

¹ United Nations, "Gaza: UN experts call on international community to prevent genocide against the Palestinian people," November 16, 2023, <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>

² Canadians for Justice and Peace in the Middle East (CJPME), "Arming Apartheid: Canada's Arms Exports to Israel," April 13 2022, https://www.cjpme.org/arming_apartheid

³ CJPME, "Canada's Arms Exports to Israel at the Third-Highest Level On Record, Amid Heightened Violence," June 13, 2023, https://www.cjpme.org/pr_2023_06_12_arms_exports

⁴ Ibid.

⁵ Project Ploughshares, "Fanning the Flames: The grave risk of Canada's arms exports to Israel," Dec 14 2023, <https://www.ploughshares.ca/reports/fanning-the-flames-the-grave-risk-of-canadas-arms-exports-to-israel> ; Al-Haq, "Ending Complicity in International Crimes: A Two-Way Arms Embargo on Israel," Nov 8, 2023, <https://www.alhaq.org/advocacy/22123.html>

⁶ Visualizing Palestine, "Countries that Bought Weapons from Israel: 2018 to 2022," Nov 2023, <https://visualizingpalestine.org/visuals/2023-global-complicity-israels-arms-industry>

⁷ CJPME, "More Info: Elbit Systems and Canada," https://www.cjpme.org/stop_elbit_drone_about

⁸ CJPME, "More Info: Elbit Systems and Canada," https://www.cjpme.org/stop_elbit_drone_about; Public Services and Procurement Canada, "Contract awarded to acquire a remotely piloted aircraft system for Transport Canada," Press Release Dec 21 2022, <https://www.canada.ca/en/public-services-procurement/news/2020/12/contract-awarded-to-acquire-a-remotely-piloted-aircraft-system-for-transport-canada.html>; Airforce Technology, "Hermes 900 StarLiner MALE UAS," <https://www.airforce-technology.com/projects/hermes-900-starliner-male-uas/?cf-view>

⁹ National Defence Canada, "Improving Land Forces capabilities for airspace coordination and monitoring," Press Release, March 14 2022, <https://www.canada.ca/en/department-national-defence/news/2022/03/improving-land-forces-capabilities-for-airspace-coordination-and-monitoring.html>; Elbit Systems, "Elbit Systems UK to Supply TORCH-X Battle Management Solution for Canada's Air Co-ordination Modernization Project," Press Release, March 14 2022, <https://elbitsystems.com/pr-new/elbit-systems-uk-to-supply-torch-x-battle-management-solution-for-canadas-air-co-ordination-modernisation-project/>

¹⁰ Elbit Systems, "Elbit Systems Awarded a Contract to Supply DIRCM Self Protection Suites to Airbus Defense and Space for the Installation on MRTT A330 Aircraft for Canada," Press Release, Nov 27 2023, <https://elbitsystems.com/pr-new/elbit-systems-awarded-a-contract-to-supply-dircm-self-protection-suites-to-airbus-defense-and-space-for-the-installation-on-mrta330-aircraft-for-canada/>

¹¹ Global Affairs Canada, "Final Report: Review of Export Permits to Türkiye," April 19 2021, <https://www.international.gc.ca/trade-commerce/controls-controles/reports-rapports/exp-permits-turkey-licences-turquie.aspx?lang=eng>

¹² Project Ploughshares, "Fanning the Flames: The grave risk of Canada's arms exports to Israel," Dec 14 2023, <https://www.ploughshares.ca/reports/fanning-the-flames-the-grave-risk-of-canadas-arms-exports-to-israel>; Magellan Aerospace, "Magellan Aerospace Signs Multi-Year F-35 Lightning II Contract," Press Release, Nov 22 2022, <https://magellan.aero/press-release/magellan-aerospace-signs-multi-year-f-35-lightning-ii-contract/> ; Magellan Aerospace, "Magellan Aerospace Signs Agreement with BAE Systems for f-35 Aircraft Assemblies," Press Release, Dec 09 2022, <https://magellan.aero/press-release/magellan-aerospace-signs-agreement-with-bae-systems-for-f-35-aircraft-assemblies-2/> ; Lockheed Martin, "F-35: The Right Choice for Canada," Webpage, <https://www.f35.com/f35/global-enterprise/canada.html>

¹³ Cesar Jaramillo, "Canada's ATT Legislation Has A Loophole You Could Drive A Tank Through," Huffington Post, July 6, 2017, https://www.huffpost.com/archive/ca/entry/canadas-arms-exports_ca_5cd4dc58e4b07bc72972b652

¹⁴ Global Affairs Canada, "Canada-Israel Strategic Partnership: MOU," <https://www.international.gc.ca/country-pays/israel/strategic-partnership-partenariat-strategique.aspx?lang=eng>

¹⁵ The Canadian Jewish News, "Israeli defence attaché cultivates ties with Canadian military," Sept 27 2019, <https://thecjn.ca/news/israeli-defence-attache-cultivates-ties-with-canadian-military/> ; Israel Hayom, "Armed with passports, military attachés form Israel's lesser-known line of defense," Oct 24 2019, <https://www.israelhayom.com/2019/10/24/armed-with-passports-military-attaches-form-israels-lesser-known-line-of-defense/>